

REMARKS

The present Amendment and Remarks are responsive to the Final Office Action mailed August 1, 2007. The Amendment and Remarks are being submitted in conjunction with a Request for Continued Examination and a Request for a three month extension of time. Following entry of the foregoing amendment, Claims 1-20 remain pending. Independent Claims 1, 8 and 15 and dependent Claims 2-7, 9-14, and 18 have been amended. Applicants respectfully submit that no new matter has been added to the present application. Reconsideration of the application, as amended, is requested.

Claim Rejections Under 35 U.S.C. § 102

In the Office Action, Claims 1, 8 and 10-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,404,509 to Klein ("Klein"). In particular, the Office Action argued that Klein teaches a method for web-based claim processing in which at least one audit claim is identified, the at least one audit claim is electronically associated with one or more documents, and the at least one audit claim and the one or more associated documents are made available for review electronically.

The Final Office Action contends that Klein anticipates the broadest reasonable interpretation of the term "audit claim" recited in independent Claim 1 because the term "audit claim" has not been defined. By the present amendment, the term "audit claim" has been further clarified to refer to a "recovery audit claim" that may be identified in a recovery audit. Accordingly, the Applicants respectfully contend that amended independent Claim 1 is patentable over Klein.

Description of Klein

Klein relates to a computer-based method and system for auditing electronic databases and determining the accuracy of the information stored in a database (*See*, for example, Klein at Abstract). A user defines a project with one or more focus groups that contain statistical requirements such as target accuracy and confidence level (Klein at column 5, lines 50-54). An audit is conducted by applying the project to a specific database (Klein at column 5, lines 59-62).

Once an audit is initiated, a database auditor selects a sample from the database to audit and presents the sample to the user in a standardized set of reports or on-line forms (Klein at column 5, lines 62-64). The sample is formed by randomly selecting field values from records stored in the database (Klein at column 14, lines 17-29). When the sample is presented to the user, images that represent the source material for the database records may also be presented to the user (Klein at column 6, lines 12-23). The user then manually determines the number of errors contained in the sample by comparing the sample with the source material, and the user communicates the number of errors to the database auditor (Klein at column 6, lines 24-26). The database auditor then calculates the accuracy of the database (Klein at column 6, lines 26-28).

Patentability of the Amended Independent Claims

The Applicants respectfully maintain their contention that Klein fails to teach or suggest “identifying at least one audit claim” and “making the at least one audit claim and the one or more associated documents available for review electronically,” as recited by independent Claim 1. Specifically, the Applicants maintain their contention that the identification of an audit in Klein (*See* Klein at column 5, line 59-62) and the random selection of a sample of database records (*See* Klein at column 5, lines 62-64) does not teach or suggest the identification of at least one audit “claim.” Accordingly, the Applicants contend that independent Claim 1 is allowable over Klein.

Although the Applicants contend that independent Claim 1 is allowable over Klein, in order to further clarify the claimed invention and expedite the allowance of the present patent application, independent Claim 1 has been amended to specifically relate to the identification and processing of claims within a recovery audit. Specifically, amended independent Claim 1 recites “identifying at least one recovery audit claim” and “making the at least one recovery audit claim and the one or more associated documents available for review electronically.” The amendment to independent Claim 1 is supported in at least the Abstract of the Specification, which states in part:

The systems, methods, and computer program products of the present invention provide an expedited process for reviewing, validating and approving claims in a recovery audit ...

Accordingly, the term “audit claim” has been further defined to refer to a “recovery audit claim” in amended independent Claim 1. As discussed in the Background section of the Specification, companies may have recovery audits conducted in order to identify monies that may be collected due to unpaid invoices, double payments, discounts and allowances not received, overpayments, and other types of erroneous payments (*See* Specification at paragraph [0003]). Thus, the primary purpose of a recovery audit is to identify financial claims of a client in order to recovery monies due.

There is no teaching or suggestion in Klein of “identifying at least one recovery audit claim,” as recited by amended independent Claim 1. In marked contrast, Klein relates to a computer-based method and system for auditing electronic databases and determining the errors in the information stored in a database (*See*, for example, Klein at Abstract). The auditing of a database in order to find data entry errors does not constitute a recovery audit, and therefore, Klein is non-analogous art to the claimed invention.

As mentioned above, the Final Office Action contends that Klein anticipates the broadest reasonable interpretation of the term “audit claim” recited in independent Claim 1 because the term “audit claim” has not been defined. By the present amendment, the term “audit claim” has been further clarified to refer to a “recovery audit claim” that may be identified in a recovery audit. Accordingly, the Applicants respectfully contend that amended independent Claim 1 is patentable over Klein.

For at least the reasons set forth above, Klein fails to teach or suggest “identifying at least one recovery audit claim” and “making the at least one recovery audit claim and the one or more associated documents available for review electronically.” Therefore, the Applicants respectfully assert that amended independent Claim 1 is allowable over Klein. Additionally, the Applicants respectfully assert that dependent Claims 2-7, which depend from amended

independent Claim 1, are allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features.

Independent Claim 8 has been amended in the same manner as independent Claim 1. Accordingly, amended independent Claim 8 recites “identifying at least one recovery audit claim” and “making the at least one recovery audit claim and the one or more associated documents available for review remotely over a network.” The Applicants respectfully assert that all remarks addressing the novelty of amended independent Claim 1 are also applicable to amended independent Claim 8. Therefore, the Applicants assert that amended independent Claim 8 is allowable for the same reasons set forth above with respect to amended independent Claim 1. Further, because Claims 9-14 depend from independent Claim 8, the Applicants assert that those claims are allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features.

Claim Rejections Under 35 U.S.C. §103

In the Final Office Action, Claims 2-7 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klein in view of U.S. Patent No. 5,684,951 to Goldman, et al (“Goldman”). Additionally, Claims 15-18 and 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Klein in view of U.S. Patent No. 5,944,786 to Quinn (“Quinn”). Claim 19 was rejected under 35 U.S.C. § 103 as being unpatentable over Klein in view of Quinn and further in view of Goldman.

In response, the Applicants respectfully content that the rejections of dependent Claims 2-7 and 9 are moot in light of the amendments made to independent Claims 1 and 8, which are allowable over Klein. As discussed above, Claims 2-7 and 9 are allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features.

With respect to independent Claim 15, the Applicants respectfully submit that independent Claim 15 has been amended in a similar manner to independent Claims 1 and 8. Accordingly, amended independent Claim 15 recites “a database of electronic documents associated with the recovery audit; a claim manager that processes a recovery audit claim ..., and

an e-mail server that generates a message notifying the accessibility of the recovery audit claim and one or more of the documents via an Internet browser.” The Applicants respectfully assert that all remarks addressing the novelty of amended independent Claim 1 are also applicable to amended independent Claim 15. Therefore, the Applicants assert that amended independent Claim 15 is allowable over Klein, either taken alone or in combination with Quinn, for the same reasons set forth above with respect to amended independent Claim 1.

Additionally, neither Goldman nor Quinn, taken alone or in combination with Klein, teach or suggest the recovery audit system for the identification of recovery audit claims recited in amended independent Claim 15. Accordingly, the Applicants respectfully contend that amended independent Claim 15 is allowable over the combination of Klein, Goldman, and/or Quinn.

For at least the reasons stated above, the Applicants respectfully submit that amended independent Claim 15 is in condition for allowance. Likewise, dependent Claims 16-20, which ultimately depend from amended independent Claims 15, are allowable as a matter of law as depending from an allowable independent claim notwithstanding their own recitation of patentable subject matter.

CONCLUSION

The Applicants believe they have responded to each matter raised by the Examiner. Allowance of the claims is respectfully solicited. It is not believed that extensions of time or fees for addition of claims are required beyond those that may otherwise be provided for in the documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by telephone conference or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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